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CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 632

Introduced by Assembly Member ~~Chu~~ Members *Chu and Spitzer*
(Principal coauthors: Assembly Members ~~Sharon Runner and~~
~~Spitzer~~ coauthor: *Assembly Member Sharon Runner*)
(Coauthors: Assembly Members Benoit, Cohn, Goldberg, Leno,
and Ridley-Thomas)
(Coauthor: Senator Alquist)

February 17, 2005

An act to add and repeal Chapter 3 (commencing with Section 9000) to Title 9 of Part 3 of the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 632, as amended, Chu. Sex Offender Management Board.

Existing law requires persons convicted of certain sex offenses to register as a sex offender, as specified. Violations of certain of the registration requirements are crimes, as specified.

This bill would state legislative findings and declarations with respect to the size of, and the need to prevent recidivism within, the registered sex offender population in California. This bill would also state legislative intent to establish a board responsible for overseeing the management of sex offenders and providing expert information in

various capacities, which it may task with investigating specified issues and making recommendations, as specified.

This bill would create the Sex Offender Management Board under the jurisdiction of the Department of Corrections and Rehabilitation. The purpose of the board would be to address any issues, concerns, and problems related to the community management of the state's adult sex offenders, with a goal of safer communities and reduced victimization. The board would be required to conduct a thorough assessment of current management practices for adult sex offenders, and to submit a report to the Legislature on that assessment. The board would also be required to develop recommendations to improve management practices for those offenders, as specified. The board also would serve as a resource for the Legislature and the Governor.

The bill would state that its provisions would only become operative if federal funds are made available for its purposes, and would direct the Secretary of the Department of Corrections and Rehabilitation to apply for all applicable federal funds for those purposes. The provisions creating the board would be repealed as of January 1, 2010.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature hereby finds and declares all of
- 2 the following:
- 3 (a) There are over 100,000 registered sex offenders in
- 4 California, approximately 20,000 of whom are under some form
- 5 of supervision by the criminal justice system in their
- 6 communities.
- 7 (b) Preventing recidivism by these individuals while they are
- 8 under supervision and preparing them to live safely in the
- 9 community after the period of supervision ends is a priority for
- 10 the State of California.
- 11 (c) No state governmental entity currently exists to review,
- 12 understand, and coordinate the multiple policies, laws, and
- 13 agencies addressing the state's response to sex offenders as well
- 14 as to recommend improvements based upon recognized
- 15 best-practices in the field of sex offender management.
- 16 (d) Although some sex offenders cannot, or will not respond to
- 17 treatment, the Legislature may be able to successfully reduce

1 recidivism within this population through the establishment of a
2 sex offender management program.

3 SEC. 2. (a) It is the intent of the Legislature to establish a
4 board responsible for overseeing and standardizing the
5 comprehensive evaluation, identification, treatment, and
6 continued monitoring of sex offenders who are under supervision
7 by the criminal justice system in order to reduce recidivism and
8 to protect the public at large.

9 (b) The board shall also provide, insofar as resources permit,
10 expert information in the following capacities:

11 (1) As a resource for any legislator developing legislation
12 dealing with matters on which the board can provide consultation
13 and expertise.

14 (2) As a resource for the Committee on Public Safety of both
15 houses of the Legislature and for any other committees for which
16 the board's expertise may be useful.

17 (3) As a resource for the Governor's office and for any agency
18 within the executive branch that may present a request for
19 assistance.

20 (c) The Legislature may task the board with investigating
21 specified issues and making recommendations, developing
22 standards or protocols, and with resolving problems resulting
23 from complex relationships between two or more agencies with
24 overlapping responsibilities.

25 SEC. 3. Chapter 3 (commencing with Section 9000) is added
26 to Title 9 of Part 3 of the Penal Code, to read:

27
28 CHAPTER 3. SEX OFFENDER MANAGEMENT BOARD
29

30 9000. As used in this article, the following definitions apply:

31 (a) "Board" means the Sex Offender Management Board
32 created in this article.

33 (b) "Sex Offender" means any person who is required to
34 register as a sex offender under Section 290 of the Penal Code.

35 (c) "Treatment" means a set of specialized interventions
36 delivered by qualified mental health professionals and designed
37 to address the multiple psychological and physiological factors
38 found to be associated with sexual offending.

39 (d) "Management" means a comprehensive and collaborative
40 team approach to regulating, controlling, monitoring, and

1 otherwise influencing the current and, insofar as is possible, the
2 future behavior of sex offenders who are living in the community
3 and are directly under the authority of the criminal justice system
4 or of another governmental agency performing similar functions.
5 The overriding purpose of management of sex offenders is to
6 enhance community safety by preventing future sexual
7 victimization. Management includes supervision and specialized
8 treatment as well as a variety of other interventions.

9 (e) "Supervision" means a specialized approach to the process
10 of overseeing, insofar as authority to do so is granted to the
11 supervising agency, all significant aspects of the lives of sex
12 offenders who are being managed, as described in subdivision
13 (d). This approach includes traditional methods as well as
14 techniques and tools specifically designed to respond to the risks
15 to community safety raised by sex offenders. Supervision is one
16 component of management.

17 9001. (a) The Sex Offender Management Board which is
18 hereby created under the jurisdiction of the Department of
19 Corrections and Rehabilitation, ~~which~~ shall consist of 15
20 members. The membership of the board shall reflect, to the
21 extent possible, representation of northern, central, and southern
22 California as well as both urban and rural areas. Each appointee
23 to the board, regardless of the appointing authority, shall have the
24 following characteristics:

25 (1) Substantial prior knowledge of issues related to sex
26 offenders, at least insofar as related to his or her own agency's
27 practices.

28 (2) Decisionmaking authority for, or direct access to those
29 who have decisionmaking authority for, the agency or
30 constituency he or she represents.

31 (3) A willingness to serve on the board and a commitment to
32 contribute to the board's work.

33 (b) The membership of the board shall consist of the following
34 persons:

35 (1) State government agencies:

36 (A) The Attorney General or his or her designee who shall be
37 an authority in policy areas pertaining to sex offenders and shall
38 have expertise in dealing with sex offender registration,
39 notification, and enforcement.

1 (B) The Secretary of the Department of Corrections and
2 Rehabilitation or his or her designee who has expertise in parole
3 policies and practices.

4 (C) The Executive Officer of the Board of Parole Hearings or
5 his or her designee.

6 (D) One California state judge, appointed by the Judicial
7 Council.

8 (E) The Director of Mental Health or his or her designee who
9 is a licensed mental health professional with recognized expertise
10 in the treatment of sex offenders.

11 (2) Local government agencies:

12 (A) Two members who represent law enforcement, appointed
13 by the Governor. One member shall possess investigative
14 expertise and one member shall have law enforcement duties that
15 include registration and notification responsibilities.

16 (B) One member who represents prosecuting attorneys,
17 appointed by the Senate Committee on Rules. He or she shall
18 have expertise in dealing with adult sex offenders.

19 (C) One member who represents probation officers, appointed
20 by the Speaker of the Assembly.

21 (D) One member who represents criminal defense attorneys,
22 appointed by the Speaker of the Assembly.

23 (3) Nongovernmental agencies:

24 (A) Two members who are licensed mental health
25 professionals with experience in working with sex offenders and
26 who can represent those who provide evaluation and treatment
27 for adult sex offenders, appointed by the Senate Committee on
28 Rules.

29 (B) Two members who are recognized experts in the field of
30 sexual assault and represent sexual assault victims, both adults
31 and children, and rape crisis centers, appointed by the Governor.

32 (C) One member who is a clinical polygraph examiner with a
33 specialization in the administration of postconviction polygraph
34 testing for sex offenders, appointed by the Speaker of the
35 Assembly.

36 (c) The board shall appoint a presiding officer from among the
37 members appointed pursuant to subdivision (b). The presiding
38 officer shall serve in that capacity at the pleasure of the board.

39 (d) Each member of the board who is appointed pursuant to
40 this section shall serve a term of four years. Members shall serve

1 without compensation. If a member fails to complete his or her
2 term, a new member shall be appointed by the appointing
3 authority of the outgoing member to serve for the remainder of
4 the outgoing member's term.

5 (e) If a board member is unable to adequately perform his or
6 her duties or is unable to attend more than three meetings in a
7 single 12-month period, he or she is subject to removal from the
8 board by a majority vote of the full board.

9 (f) Any vacancies on the board as a result of the removal of a
10 member shall be filled by the appointing authority of the
11 removed member within 30 days of the vacancy.

12 (g) The board may create, at its discretion, subcommittees or
13 task forces to address specific issues. These may include board
14 members as well as invited experts and other participants.

15 (h) The board shall hire a coordinator who has relevant
16 experience in policy research. This position shall be a full-time
17 state civil service position. The board may hire other staff as
18 funding permits.

19 (i) In the course of performing its duties, the board shall, when
20 possible, make use of the available resources of research
21 agencies such as the Legislative Analyst's Office, the California
22 Research Bureau, the California State University system,
23 including schools of public policy and criminology, and other
24 similar sources of assistance.

25 9002. (a) The California Sex Offender Management Board
26 shall address any issues, concerns, and problems related to the
27 community management of adult sex offenders. The main
28 objective of the board, which shall be used to guide the board in
29 prioritizing resources and use of time, is to achieve safer
30 communities by reducing victimization. To that end, the board
31 shall do both of the following:

32 (1) Conduct a thorough assessment of current management
33 practices for adult sex offenders, primarily those under direct
34 criminal justice or other supervision, residing in California
35 communities. A report on the findings of this assessment shall be
36 submitted to the Legislature and the Governor by January 1,
37 2008. The board shall provide information to the Legislature and
38 Governor as to its progress by January 1, 2007. Areas to be
39 reviewed in this assessment shall include, but not be limited to,
40 the following:

- 1 (A) The numbers and distribution of offenders.
- 2 (B) Supervision practices.
- 3 (C) Treatment availability and quality.
- 4 (D) Issues related to housing.
- 5 (E) Recidivism patterns.
- 6 (F) Response to the safety concerns of past and potential
- 7 future victims.
- 8 (G) Cost and cost-effectiveness of various approaches.
- 9 (H) Any significant shortcomings in management practices.

10 (2) Develop recommendations, based upon the findings in the
11 assessment, to improve management practices for adult sex
12 offenders under supervision in the community, with the goal of
13 improving community safety. The plan shall address all
14 significant aspects of community management including
15 supervision, treatment, housing, transition to the community,
16 interagency coordination and the practices of other entities that
17 directly or indirectly affect the community management of sex
18 offenders. The completed plan shall be submitted to the
19 Legislature and the Governor by January 1, 2010. The board
20 shall provide information to the Legislature and the Governor as
21 to its progress by January 1, 2009.

22 (b) The board shall conduct public hearings, as it deems
23 necessary, to provide opportunities for gathering information and
24 receiving input regarding the work of the board from concerned
25 stakeholders and the public.

26 9003. The Secretary of the Department of Corrections and
27 Rehabilitation shall pursue all applicable federal funding,
28 including relevant grants, in order to fund the board. This article
29 shall become operative only if federal funds are received for this
30 purpose.

31 9004. This article shall remain in effect only until January 1,
32 2010, and as of that date is repealed, unless a later enacted
33 statute, that is enacted before January 1, 2010, deletes or extends
34 that date.